

COPY

Attorney's
Docket
Number AXF-103

Declaration, Petition and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

PACKAGED STRAIN ACTUATOR

the specification of which

(check one)

 is attached hereto.

X was filed on January 27, 1994 as

Application Serial No. 08/188,145

and was amended on _____
(if applicable)

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one:

no such applications have been filed.

such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

(Application Serial No.)	(Filing Date)	(Status) (patented,pending,aband.)
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(Application Serial No.)	(Filing Date)	(Status) (patented,pending,aband.)
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

John A. Lahive, Jr.	Reg. No. 19,788	Michael I. Falkoff	Reg. No. 30,833
W. Hugo Liepmann	Reg. No. 20,407	Ann Lamport Hammitt	Reg. No. 34,858
James E. Cockfield	Reg. No. 19,162	John V. Bianco	Reg. No. 36,748
Thomas V. Smurzynski	Reg. No. 24,798	Jeremiah Lynch	Reg. No. 17,425
Ralph A. Loren	Reg. No. 29,325	Amy E. Mandragouras	Reg. No. 36,207
Thomas J. Engellenner	Reg. No. 28,711	Elizabeth A. Hanley	Reg. No. 33,505
William C. Geary III	Reg. No. 31,359	Matthew P. Vincent	Reg. No. 36,709
David J. Powsner	Reg. No. 31,868	Paul Louis Myers	Reg. No. 35,965
Giulio A. DeConti, Jr.	Reg. No. 31,503	Elizabeth A. Levy	Reg. No. 34,375

Send Correspondence to:

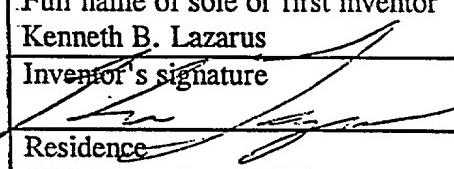
Lahive & Cockfield, 60 State Street, Boston, MA 02109

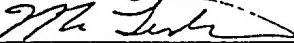
Direct Telephone Calls to: (name and telephone number)

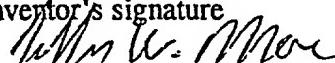
Michael I. Falkoff, Esq., (617) 227-7400

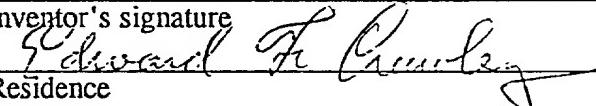
Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Kenneth B. Lazarus	Date 3/23/74
Inventor's signature 	
Residence 197 Beacon Street, #2F, Boston, Massachusetts 02116	
Citizenship United States	
Post Office Address (if different)	

Full name of second inventor, if any	
Mark E. Lundstrom	
Inventor's signature	Date
	March 15, 1994
Residence	
Cambridge, Massachusetts	
Citizenship	
United States	
Post Office Address (if different)	
497 Massachusetts Avenue, Cambridge, Massachusetts 02139	

Full name of third inventor, if any	
Jeffrey W. Moore	
Inventor's signature	Date
	March 29, 1994
Residence	
6 Hawthorne Village, Concord, Massachusetts 01742	
Citizenship	
United States	
Post Office Address (if different)	

Full name of fourth inventor, if any	
Edward F. Crawley	
Inventor's signature	Date
	March 31, 1994
Residence	
218 Thorndike Street, No. 301, Cambridge, Massachusetts 02139	
Citizenship	
United States	
Post Office Address (if different)	

PATENT
Attorney Docket No. ACX-103CN3
(180/2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Lazarus et al.
SERIAL NO.: 08/943,646 GROUP NO.: 2102
FILED: October 3, 1997 EXAMINER: Not yet assigned
TITLE: "PACKAGED STRAIN ACTUATOR"

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
REVOCATION OF PRIOR POWERS AND NEW POWER OF ATTORNEY**

As assignee of record of the entire interest of the above-identified

- application,
 patent,

all powers of attorney previously given are hereby revoked and

the following attorneys and/or agents are hereby appointed to prosecute and transact all business
in the Patent and Trademark Office connected therewith.

Steven M. Bauer	Reg. No. 31,481
Isabelle A.S. Blundell	Reg. No. P-43,321
Michael H. Brodowski	Reg. No. P-41,640
Joseph A. Capraro, Jr.	Reg. No. 36,471
Jerrie L. Chiu	Reg. No. P-41,670
Jennifer L. Dupre	Reg. No. P-41,722
John J. Cotter	Reg. No. 38,116
Duncan A. Greenhalgh	Reg. No. 38,678
William G. Guerin	Reg. No. 41,047
Ira Heffan	Reg. No. 41,059
Elizabeth E. Kim	Reg. No. 43,334
Douglas J. Kline	Reg. No. 35,574
John D. Lanza	Reg. No. 40,060
Timothy P. Linkkila	Reg. No. 40,702
Marianne McLaughlin	Reg. No. P-42,870
Thomas C. Meyers	Reg. No. 36,989

Edmund R. Pitcher	Reg. No. 27,829
Kurt Rauschenbach	Reg. No. 40,137
Michelle B. Rosenberg	Reg. No. 40,792
Michael J. Schmelzer	Reg. No. P-43,093
J. Scott Southworth	Reg. No. 39,382
Christopher W. Stamos	Reg. No. 35,370
Robert J. Tosti	Reg. No. 35,393
Thomas A. Turano	Reg. No. 35,722
Michael J. Twomey	Reg. No. 38,349
Christine C. Vito	Reg. No. 39,061
Patrick R.H. Waller	Reg. No. 41,418

Attached as part of this power of attorney is the authorization of the above-named attorneys/agents to accept and follow instructions from my representatives.

Assignee also hereby grants additional Powers of Attorney to the attorneys and/or agents named above to file and prosecute foreign national patent applications in any and all countries of the world, a regional patent application under the European Patent Convention and/or an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states.

All future correspondence should be sent to:

Patent Administrator
Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110

The assignee of record of the entire interest of the above-identified

- application
 patent

is

Name of assignee of entire interest Active Control eXperts, Inc.

Address

215 First Street
Cambridge, MA 02142

- Recorded in PTO on April 4, 1994 in U.S.S.N. 08/188,145
Reel No.: 6928
Frame No.: 340-342
 Recorded herewith

Power Of Attorney By Assignee Of Entire Interest
Revocation Of Prior Powers and New Power of Attorney
Serial No.: 08/943,646
Page 3 of 3

Dated: 6/3/98

Respectfully submitted,



Erik Saarmaa
Vice President, Research and Development
Active Control eXperts, Inc.
215 First Street
Cambridge, MA 02142

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